

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JUNE 6, 2002
8:15 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:17 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MAY 30, 2002
AND DEPARTMENTAL BUDGET HEARING MINUTES OF MAY 23, 2002**

MOTION: Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of May, 30, 2002 and Departmental Budget Hearing minutes of May 23, 2002. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Convention and Visitors Bureau Request for Proposals (RFP) Review Committee
- B. Letter of Appreciation for Rochelle E Quinn
- C. Report on Bioterrorism Tabletop Exercise

MOTION: Heier moved and Stevens seconded approval of the additions to the agenda. Heier, Workman, Campbell, Stevens and Hudkins voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Convention and Visitors Bureau Request for Proposals (RFP) Review Committee

Eagan said committee members have been polled as to whether they are members of the Chamber of Commerce and only one, Patricia Pansing Brooks, indicated membership, through her legal firm.

Discussion took place on whether to expand committee membership, with Jack Mills, former Nebraska Association of County Officials (NACO) Executive Director, or a representative of the Nebraska Association of Executive Directors suggested.

- B. Letter of Appreciation for Rochelle E Quinn, Bryan School of Nursing

MOTION: Campbell moved and Hudkins seconded approval. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

- C. Report on Bioterrorism Tabletop Exercise

Stevens reported on a recent bioterrorism tabletop exercise.

3 COMMISSIONER MEETING REPORTS

- A. Salt Creek Tiger Beetle Strategy Session - Workman

See Item 9A.

- B. Ecological Advisory Committee - Campbell

No report .

- C. Lincoln Partnership for Economic Development - Workman

No report.

4 INDIRECT COST PLAN - Dave Kroeker, Budget and Fiscal Officer

Dave Kroeker, Budget and Fiscal Officer, recommended that the County continue to contract with Maximus for an indirect cost plan, noting an increase in annual contract costs from \$10,000 to \$11,500.

MOTION: Hudkins moved and Campbell seconded to continue to contract with Maximus for an indirect cost plan. Heier, Workman, Campbell, Stevens and Hudkins voted aye. Motion carried.

5 END OF TERM AUDITS - Dave Kroeker, Budget and Fiscal Officer; Russ Freitag, Hayes & Associates; Dan Nolte, Register of Deeds

Dave Kroeker, Budget and Fiscal Officer, said the contract for audit services (Exhibit B) stipulates the following:

- Subsection 14.1.5 Cash and other assets are the responsibility of the respective officer of each county agency.
- Subsection 14.1.5.1 In the event there is a change in county officials (due to election or other appointment) the Contractor shall make a proper determination that all cash and other assets of the County have been accounted for and transferred to the new official.

Russ Freitag, Hayes & Associates, gave an overview of audit procedures.

Hudkins said he would like to see a more complete audit performed, noting his dissatisfaction with the audit that was performed when the Clerk of the District Court took office four years ago.

Kroeker explained that an audit is not an absolute assurance that nothing occurred.

Campbell said if the auditors see anything during the audit that raises a "red flag" or believe that a segment should be investigated more thoroughly, it should be relayed to Kroeker and the Board. Additional resources could then be allocated to expand the scope of the audit.

The Board concurred and asked Kroeker and Freitag to apprise the officials that are leaving office of the audit procedures.

6 PENDING LITIGATION - Dave Johnson, Deputy County Attorney

MOTION: Campbell moved and Heier seconded to enter Executive Session at 8:56 a.m. for discussion of pending litigation. Stevens, Hudkins, Campbell, Heier and Workman voted aye. Motion carried.

MOTION: Campbell moved and Hudkins seconded to exit Executive Session at 9:11 a.m. Hudkins, Stevens, Campbell, Heier and Workman voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- D. Planning Director Search
- E. Report on OASIS (computer assisted mass appraisal database)

MOTION: Hudkins moved and Stevens seconded approval of the additions to the agenda. Heier, Workman, Hudkins, Stevens and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

D. Planning Director Search

Campbell reported that four candidates will be interviewed for the position.

E. Report on OASIS (computer assisted mass appraisal database)

Norm Agena, County Assessor, appeared and explained that Cole Layer Trumble, which owns OASIS, has developed a new PC based system that will allow information to be downloaded from the computer mainframe, updated and reloaded. He said this would significantly reduce data processing costs and alters his recommendation to leave the computer mainframe.

7 VACATION FOR UNREPRESENTED, UNCLASSIFIED EMPLOYEES - Georgia Glass, Personnel Director; Gary Lacey, County Attorney; Dennis Keefe, Public Defender; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office

Georgia Glass, Personnel Director, recommended increasing vacation accrual for unrepresented, unclassified employees (Directors, Deputy Directors, Deputy Elected Officials, Attorneys, Child Support Referee, Sheriff Captains, Bailiffs, Psychiatrists) to be more comparable with city counterparts and the marketplace. The recommendation is to provide three weeks of vacation at the beginning of employment and an increase to four weeks after five years of employment and five weeks after twenty years of employment. She said the additional accrual will be an important recruitment tool, but acknowledged that there will be instances where workload will not permit use of the time.

Dennis Keefe, Public Defender, said he also believes that the additional accrual will help with recruitment and retention efforts.

Gary Lacey, County Attorney, said he is not necessarily opposed to increasing the vacation accrual, but expressed concern about the budget impact and the possibility of a year-to-year inequity if a year-end buyout is offered.

Glass said the City provides for a year-end buyout (maximum of 80 hours) in unusual circumstances, if there is approval by the Mayor and sufficient funds in the budget. The County does not have such a provision, at present.

Lacey said he believes such a buyout is necessary.

Hudkins indicated his support of such a provision.

MOTION: Campbell moved and Heier seconded to: 1) Request a resolution to be drafted limiting the new vacation accrual schedule to agency directors; 2) Leave vacation accrual for the other unrepresented, unclassified employees as is, until concerns can be worked out; 3) Request an analysis of the fiscal impact of a year-end buyout.

Stevens said there are a number of employees with ten or more years of service that will be hurt by the proposed plan.

Glass said the Board could add an additional step to prevent a loss. An additional option would be to "grandfather" those employees.

The maker and seconder of the motion agreed to amend their motion to direct that steps be taken to insure that no employees incur a loss.

ON CALL: Heier, Workman, Campbell and Hudkins voted aye. Stevens voted no. Motion carried.

8 CHAIRMAN'S WORKING RELATIONSHIP WITH THE MAYOR'S OFFICE

Workman said Mayor Wesely invited him to a meeting last week with the Planning Department to discuss land use in the City's three-mile zoning jurisdiction and Workman asked to have an additional representative of the Board attend. The Mayor said he believed Heier would have a conflict of interest so Workman invited Campbell. Heier informed Workman of his interest in attending the meeting and it was decided that he would attend in place of Campbell. When they arrived at the meeting Mayor Wesely pulled Heier aside and reiterated his belief that Heier had a conflict of interest. The Mayor asked both Workman and Heier to leave the meeting.

Workman said the Mayor called him later and said the thirteen amendments to the Comprehensive Plan were discussed and it was decided that they will be allowed to proceed under the old standards. He also indicated that any additional amendments will be held until new standards are developed by the City.

Hudkins said he believes that the Planning Department should make its presentations to the full Board and expressed concern about the practice of having "two-on-two" meetings.

Heier noted that Campbell also lives within the City's three-mile zoning jurisdiction and said "If I would have a conflict with this, if it were zoning or if it were ordinances, certainly everybody else who lives in the three-mile jurisdiction would have that same conflict". He said that when he was apprised that his wife's amendment (see Item 10A) was scheduled for discussion, he indicated that he would not be voting on the amendment and would excuse himself from the discussion. The Mayor indicated that the other amendments would also be discussed and said he would not be comfortable having Heier present.

Heier said he is concerned that there is a perception, when there are separate meetings of this type, that the Board is agreeing to what is being said. He said there may also be a problem with how information is being interpreted. Heier noted that the Chair and Vice Chair meet regularly with the Mayor and bring information back to the Board. He said if the Mayor has additional information that he would like to relay, it should be brought to the Board at a Staff Meeting.

Workman stated that he has a good working relationship with Mayor Wesely and said there have been several significant compromises on the part of the Mayor as a result. He said he relays the Board's position in their discussions and is careful to clarify when a personal opinion is being expressed. Workman indicated that he is willing to change his approach and relationship with the Mayor, if that is the Board's desire.

Hudkins said it is essential that the Board be kept informed of policy discussions.

Campbell said she believes that the Chair and Vice Chair have done a good job of reporting on those discussions. She said it is crucial that an "open door" policy be maintained with the Mayor and said the Chair has a right to articulate a personal opinion in those discussions.

9 ACTION ITEMS

- A. Participation in and Letter of Recommendation for Salt Creek Tiger Beetle Regional Habitat Conservation Plan Grant Proposal

Workman said the Nebraska Game and Parks Commission has requested a letter of support for its application for a U.S. Fish and Wildlife Service (USFWS) Section 6 Grant to develop a Regional Habitat Conservation Plan (RHCP) for the Salt Creek Tiger Beetle and the eastern saline wetlands of Nebraska (Exhibit A). He said matching funds are required, but not from the County.

Hudkins questioned the need for an inventory, the accuracy of statements regarding saline wetlands area (Page 1, Paragraph 3) and encroachment by agricultural activities (Page 2, Paragraph 3), and the limited time to review the request.

Eagan explained that the purpose is to gather information.

MOTION: Campbell moved and Stevens seconded to authorize a letter of support. Workman, Heier, Campbell and Stevens voted aye. Hudkins voted no. Motion carried.

Board consensus was to submit the letter with signature by the Chair and a record of the vote.

- B. Microcomputer Request C#2002-179 for \$3,084 from the County Attorney's Drug Forfeiture Fund for 12 Palm Vx's

MOTION: Hudkins moved and Heier seconded to notify Information Services that it may proceed with the purchase. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

- C. Letter to Terry Bundy, Administrator and Chief Executive Officer (CEO) of Lincoln Electric System (LES), Regarding Electrical Service for Outdoor Warning Sirens

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

- D. Letter of Appreciation to Bruce Craig, Emergency Medical Services (EMS) Training Coordinator

MOTION: Campbell moved and Stevens seconded approval. Heier, Workman, Campbell, Stevens and Hudkins voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

- A. Comprehensive Plan Follow-Up (Acreage Build Through and Density Bonuses)

Heier said he plans to declare a conflict of interest and withdraw from any discussion of acreage build through, as his wife submitted the build through to the Planning Commission, through her attorney, as part of her proposed acreage development.

Eagan said he spoke to Frank Daley, Nebraska Accountability and Disclosure Commission, regarding Heier's situation. Daley said Heier would not have a legal conflict of interest regarding actions taken within the City's three mile zoning jurisdiction, as those are the responsibility of a different governing body, or for discussions of general policy that pertain to the entire county. However there is a new Nebraska Statute, §49-14,101.01 (Supp 2001), that may have some relevance.

Campbell noted that Heier is not the only Commissioner with interests and said the matter needs to be clarified.

MOTION: Hudkins moved and Stevens seconded to authorize Kerry Eagan, Chief Administrative Officer, to draft a letter to the Nebraska Accountability and Disclosure Commission requesting an opinion regarding the conflict of interest issue. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

- B. Radcliffe Road Seeding

Gwen Thorpe, Deputy Chief Administrative Officer, reported that County Engineering does not have hydro seeding equipment.

MOTION: Campbell moved and Hudkins seconded to authorize County/City Property Management to proceed with the seeding project and to bring back a claim at a County Board of Commissioners Meeting. Heier, Workman, Campbell, Stevens and Hudkins voted aye. Motion carried.

C. Malcolm Crosswalk

Eagan said the Village of Malcolm has asked the County Engineer to paint crosswalk lines across Malcolm Road at Lincoln Street, at Malcolm's expense, but County Engineering does not have portable equipment to do the work.

Hudkins suggested that the County share in the expense.

Heier asked whether Malcolm will assume liability for proper placement of the crosswalk lines.

Dave Johnson, Deputy County Attorney, said the County will want to be held harmless from liability. He added that the village will be responsible for surveys and engineering. Campbell suggested development of a policy to address requests of this type from the villages.

Board consensus was to ask the Village of Malcolm to submit the request in writing and to ask the County Attorney's Office to look into whether the County needs to grant permission for the project

D. Evaluation of the Juvenile Assessment Center

The Board reviewed a list of criteria for a process evaluation of the Juvenile Assessment Center (see agenda packet).

MOTION: Campbell moved and Heier seconded approval. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

E. Lancaster Manor Advisory Committee Appointments

The Board scheduled action on the Lancaster Manor Advisory Committee appointments on the June 11, 2002 County Board of Commissioners Meeting agenda.

F. "K" Street Space Needs (Records and Information Management)

The Board referred the matter to Don Killeen, County Property Manager.

G. Correspondence Regarding Cooperative Effort with United States Department of Agriculture (USDA) and Lower Platte South Natural Resources District (NRD)

The Board requested additional information from the United States Department of Agriculture (USDA).

- H. Meeting with Planning Department and Mayor's Office Regarding Land Use in the City's Three-Mile Zoning Jurisdiction

See Item 8.

- I. Letter from Hickman Mayor Dennis Heckman Regarding New Economic Development Position

The Board asked Eagan to notify Hickman Mayor Dennis Heckman that his letter has been forwarded to Mayor Wesely to see whether there is interest in expanding the scope of the agreement for the position.

11 EMERGENCY ITEMS AND OTHER BUSINESS

Board consensus to refer a complaint alleging violation of the County's No Smoking Policy by County Engineering employees to Don Thomas, County Engineer (Exhibit C).

12 ADJOURNMENT

MOTION: Campbell moved and Hudkins seconded to adjourn the meeting at 11:04 a.m. Hudkins, Stevens, Campbell, Workman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk